

# ***City Council Meeting Minutes***

**August 1, 2017  
City Hall, Council Chambers  
749 Main Street  
6:00 PM**

## **SPECIAL MEETING – EXECUTIVE SESSION 6:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 6:00 p.m.

The following members were present:

**City Council:**      ***Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

**Staff Present:**    ***Heather Balser, Interim City Manager  
Aaron DeJong, Director of Economic Development  
Carol Hanson, Deputy City Clerk***

**Others Present:**   ***Sam Light, City Attorney***

### **PENDING LITIGATION**

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))

### **REAL PROPERTY ACQUISITION AND DISPOSITION**

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))

Mayor Muckle stated he and the Interim City Manager are requesting the City Council convene an Executive Session for the purpose of discussing pending litigation and property acquisitions/disposition. City Attorney Light introduced the request for executive session.

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#### ***City of Louisville***

***City Council    749 Main Street    Louisville CO 80027  
303.335.4533 (phone)    303.335.4550 (fax)    www.louisvilleco.gov***

Deputy City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct this executive session for pending litigation: Louisville Code of Ethics, Section 5-2(d), CRS 24-6-402(4)(b) – Authorized topics; and for property acquisitions and dispositions: Louisville Code of Ethics, Section 5-2(c), C.R.S. 24-6-402(4)(a) – Authorized Topics.

The City Manager and City Attorney are asking for an executive session for consultation with attorneys concerning pending litigation which in this case involves one lawsuit and one where a lawsuit may result.

MOTION 1: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consultation with attorneys representing the City with respect to pending litigation as authorized by the laws noted by the City Attorney and the executive session include the City Council, the City Attorney, the City Manager, and the Economic Development Director; seconded by Councilmember Leh; all in favor.

City Manager is requesting the City Council convene an executive session for the purpose of consideration of potential property acquisitions and dispositions concerning property in the City of Louisville.

MOTION 2: Mayor Muckle moved the City Council go into executive session for the purpose of consideration of potential property acquisitions or dispositions for properties in Louisville but only as to appraisals and other value estimates and the strategy for same and that the executive session include the City Council, the City Attorney, the City Manager, and the Economic Development Director; seconded by Councilmember Leh; all in favor.

The City Council adjourned to executive session at 6:04 p.m.

The Special City Council meeting reconvened at 6:59 p.m.

#### **REPORT – DISCUSSION/DIRECTION/ACTION – PENDING LITIGATION AND PROPERTY ACQUISITION/DISPOSITION**

City Attorney Light reported while in executive session for discussion of pending litigation and potential property acquisition or disposition, no action was requested at this time on those items. He noted he would report later in the meeting on Council consideration for potential action for the one item of pending litigation.

**Members adjourned to the regular meeting at 7:00.**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**        *Mayor Robert Muckle*  
                              *Mayor Pro Tem Jeff Lipton*  
                              *Councilmember Jay Keany*  
                              *Councilmember Chris Leh*  
                              *Councilmember Susan Loo*  
                              *Councilmember Dennis Maloney*  
                              *Councilmember Ashley Stolzmann*

**Staff Present:**      *Heather Balser, Interim City Manager*  
                              *Kurt Kowar, Director of Public Works*  
                              *Cameron Fowlkes, Engineer*  
                              *Rob Zuccaro, Director of Planning & Building Safety*  
                              *Carol Hanson, Deputy City Clerk*

**Others Present:**    *Sam Light, City Attorney*

#### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

#### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and City Attorney Light asked to add as agenda item 8C - continuation of the executive session. Mayor Muckle moved to approve the agenda as amended, seconded by Council member Leh. All were in favor.

#### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Kathy Evans, 610 Cleveland Avenue, said there are four bike paths near her home; three of the bike paths are mowed but the one next to her home is never mowed. She asked the City mow this bike path.

Tasia Maxwell, 735 Cristo Lane, Lafayette, CO talked to Council about Via Mobility Services. She sits on the board and shared their goal of providing transportation to those who would not be able to get around on their own. Via currently provides many rides in Louisville. There is a volunteer driving program they are trying to increase in the Louisville area. Both seniors and persons with disabilities use Via.

Randy Caranci, 544 Front Street wanted to let the community know E-bikes of Colorado is open for business. He noted test rides are always free and encouraged folks to come by and take a look.

Debby Fahey, 1118 W. Enclave Circle, noted her top priority for sustainability is to have Louisville be zero carbon in about 20 years.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Council member Keany. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: July 18, 2017***
- C. *Approval of Resolution No. 41, Series 2017 – A Resolution Establishing Refuse, Recyclables, and Compostables Collection and Disposal Fees Effective September 1, 2017 for the City of Louisville, Colorado***
- D. *Approve Sole Source Purchase of Instrumentation and Associated SCADA Software for the Sid Copeland Water Treatment Plant, Howard Berry Water Treatment Plant, and New Wastewater Treatment Plant***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

None.

### **CITY MANAGER'S REPORT**

RTD MyRide cards sold out at both previous events. The event scheduled for this week will have to be cancelled. Council member Stolzmann asked staff to find out if any cards could be acquired for this week's event. Interim City Manager Balser noted the funds were all expended but she would check on it. Council member Loo supported spending some money to fund this week's event or a future event.

### **REGULAR BUSINESS**

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#### **720 & 722 PINE STREET LANDMARKINGS AND HISTORIC PRESERVATION GRANTS**

#### **RESOLUTION NO. 42, SERIES 2017 – A RESOLUTION DESIGNATING THE AGATHA STECKER HOUSE LOCATED AT 720 PINE STREET A HISTORIC LANDMARK**

**RESOLUTION NO. 43, SERIES 2017 – A RESOLUTION DESIGNATING THE  
JOSEPH STECKER HOUSE LOCATED AT 722 PINE STREET A HISTORIC  
LANDMARK**

**RESOLUTION NO. 44, SERIES 2017 – A RESOLUTION APPROVING A  
PRESERVATION AND RESTORATION GRANT FOR WORK ON THE AGATHA  
STECKER HOUSE LOCATED AT 720 PINE STREET**

**RESOLUTION NO. 45, SERIES 2017 – A RESOLUTION APPROVING A  
PRESERVATION AND RESTORATION GRANT FOR WORK ON THE JOSEPH  
STECKER HOUSE LOCATED AT 722 PINE STREET**

Planning and Building Director Zuccaro noted this landmark and historic preservation request is for two craftsman style homes that were owned by the same family for over a hundred years. They were recently sold. They are both smaller homes, less than 700 square feet. The grant request is for \$20,000 for each structure for preservation and restoration. The Historic Preservation Commission and staff are recommending approval of both the landmarking designation and the grants finding that there are architectural and social significance for each structure.

Nicole Ringelmann, 8317 Pony Lane, Niwot, said she and her husband recently bought these homes and would like to keep them as the cute little houses they are.

Council member Keany voiced his support for this project.

Council member Stolzmann moved to approve Resolution No. 42, Series 2017, seconded by Council member Leh. All in favor.

Council member Stolzmann moved to approve Resolution No. 43, Series 2017, seconded by Council member Keany. All in favor.

Council member Stolzmann moved to approve Resolution No. 44, Series 2017, approving a grant for preservation and restoration of 720 Pine Street, seconded by Council member Maloney. Roll Call Vote: 7-0 in favor.

Council member Stolzmann moved to approve Resolution No. 45, Series 2017, approving a grant for preservation and restoration of 722 Pine Street seconded by Council member Maloney. Roll Call Vote: 7-0 in favor.

**DISCUSSION/DIRECTION/ACTION – BNSF RAILROAD UNDERPASS/NORTH  
DRAINAGE DESIGN**

Cameron Fowlkes, City Engineer and project manager on the BNSF Railroad Underpass north drainage design reported there are two options for design. The Underpass provides a missing east west connection under the railroad north of South

Boulder Road to surrounding neighborhoods and trails. Fowlkes reviewed the budget and noted there is only a slight difference in the budget for the two options. The project will be a dual purpose underpass, pedestrian and drainage.

The schedule has the two options through about 30 percent of the design. Full design is anticipated by mid-2018 and the railroad portion, the bridge, mid-2019. Completion should be end of 2019.

This will be designed to allow the underpass trail to be dry up to the 2-year frequency storm event. Any storms above the 2-year storm will flood the trail during the storm with depths up to 3.5 feet in a 100-year storm. This was a project team decision to balance cost and benefit.

Options were presented at 3 open house meetings and made available on the web with respondents favoring Option 2.

Council member Loo asked if the district (Urban Drainage and Flood Control District) would contribute to any cost overruns. Fowlkes noted the City would ask Urban Drainage to share any cost overruns, but cautioned they may have budget constraints not allowing them to spend any more money on this project.

Frank Schultz and Andrew Holton, Atkins, showed animations of the two options for the underpass which is west of the existing Takoda subdivision along Bullhead Gulch.

On the east side of the railroad tracks both options are the same due to the alignment of the existing trail in Steel Ranch (Takoda).

On the west side of the railroad tracks there are two options for consideration.

- Option 1 - Keep the north-south trail at existing elevations and drop down into the underpass within the railroad right of way. This creates an "S" alignment into the underpass.
- Option 2 - Lower the north-south trail and have a "T" style intersection that aligns directly with the underpass.

#### Option 1 – Pros & Cons

##### Pros

- 1. Less Project Disturbance compared to Option 2
- 2. Realigned portion of trail is further from railroad tracks
- 3. Trail phasing allows trail to remain open during construction.

##### Cons

- 1. Sight lines entering from west side because of curves
- 2. Curvilinear entrance from west
- 3. Awkward access for southbound users
- 4. More disturbance in BNSF right of way

## Option 2 – Pros & Cons

### Benefits

- 1. Best sight lines when compared to Option 1
- 2. Less disturbance inside BNSF right of way
- 3. Direct or straight entrance to underpass

### Cons

- 1. Retaining wall on west side of trail
- 2. More Fiber Optic relocation/lowering
- 3. Trail will need detour during construction

Council member Keany asked about drainage issues. Mr. Schultz noted both options will address drainage issues and standing water. Fowlkes said option 2 might address those concerns better than 1. There is an existing swale on the west side, which will be piped underneath the new trail for collection on the north side. Any storms above a 2-year storm could deposit water on the trail.

MOTION: Council member Keany moved Council give direction to proceed with option 2. Council member Stolzmann seconded.

Council member Loo asked that the triangular separation of the trail inlet to the underpass not be vegetation. The design consultants noted it was to help separate how the trails merge at that point and they could use something other than vegetation.

VOTE: All in favor. Council consensus was to have staff proceed with Option 2.

Council member Maloney asked that the detour during construction be able to handle the type of traffic the trail is handling currently.

## **RETURN TO EXECUTIVE SESSION**

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The City Council adjourned to executive session at 7:45 p.m.

The Special City Council meeting reconvened at 8:19 p.m.

### **CITY ATTORNEY'S REPORT**

City Attorney Light reported the executive session was for the purpose of consultation with attorneys regarding pending litigation and also with regard to real property acquisition and disposition. In executive session, there was not a continued conversation about pending litigation but talk about property acquisition and disposition matters. Not providing any action on the property matter, staff will proceed with the strategy direction provided by the City Council. If there is a time when there is an agreement in principle negotiated at a staff level, staff will bring it back through a regular meeting agenda for discussion and Council consideration.



City Attorney Light noted during the special meeting earlier tonight there was a pending litigation item discussed involving a lawsuit in which the City is currently a party. He discussed with City Council in executive session a draft of a potential stipulation for dismissal of that lawsuit. In that regard, he asked City Council entertain a motion to authorize defense counsel to sign a stipulated motion for dismissal with prejudice of the claims in the Metco litigation. This proposed stipulated motion would not require payment of any City funds but would involve the release of some funds held by the City which are non-City funds.

Mayor Muckle moved Council authorize defense counsel to sign and file a stipulated motion for dismissal with prejudice in substantially the form of the stipulation discussed earlier tonight. Council member Keany seconded. All in favor.

Attorney Light noted he was asked to research criteria that apply for modifications of subdivision regulations within the context of a PUD. He will provide a memo to Council. The planning department is bringing forward an ordinance to help clarify regulations in that regard as well.

He reminded Council of their upcoming open government training session on August 22, 2017.

#### **COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

None.

#### **ADJOURN**

Members adjourned the meeting at 8:23 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk